

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021-____-T – ORDER NO. 2021-____
_____,2021**

IN	Application of Positive Moves)	ORDER GRANTING CLASS E
RE:	Relocation and Transfer, LLC for)	HOUSEHOLD GOODS
	a Class E (Household Goods))	CERTIFICATE
	Certificate of Public Convenience)	STATEWIDE AUTHORITY
	and Necessity for Operation of)	
	Motor Vehicle Carrier)	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of Positive Moves Relocation and Transfer, LLC ("Positive Moves" or the "Applicant"). By its Application, Positive Moves requests a Class E Certificate of Public Convenience and Necessity ("CPCN") with authority to transport household goods statewide.

II. PROCEDURAL HISTORY

Positive Moves filed its Application with the Commission on June 23, 2021. By letter dated June 30, 2021, the Clerk's Office of the Commission instructed Positive Moves to publish the Notice of Filing ("the Notice") in newspapers of general circulation. The Notice provided information regarding the Application and advised any person who desired to participate as a party of record that a Petition to Intervene must be filed by August 5, 2021. Notice was timely published. No person intervened as a party of record.

The evidentiary hearing was held virtually on September 28, 2021, with the Honorable Justin T. Williams presiding. Positive Moves was represented by Charles Terreni, Esquire. The South Carolina Office of Regulatory Staff ("ORS"), a party of record pursuant to S.C.

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Code Ann. § 58-41-10(B) (Supp. 2019), was represented by C. Lessie Hammonds, Esquire.

III. EVIDENCE OF RECORD

The company's principal officers, Shannon Moran, President, and James Stamos, Operations Manager, testified in support of the Application.

Shannon Moran organized Positive Moves as a South Carolina limited liability company on May 23, 2021. Ms. Moran is sole member of Positive Moves. She has a background in sales support and marketing, and recently worked as a customer support specialist for a national ride sharing company. While Ms. Moran, does not have experience in the moving business, the company's Operations Manager, Mr. Stamos, has an extensive background in the industry.

Ms. Moran testified Positive Moves will initially have two employees, herself, and Mr. Stamos. Eventually, they hope to expand. The company will conduct background checks and drug test any new hires. Positive Moves owns a vehicle, a 2000 GMC Yukon, and a 2016 Diamond Cargo trailer. As the company expands, it will acquire additional vehicles, including trucks. The company has secured insurance, as evidenced by the quotes attached to its Application. Ms. Moran testified Positive Moves is familiar with and will comply with all statutes and regulations governing household goods carriers.

Ms. Moran believes South Carolina Horry County need qualified movers. She cited the extraordinary growth of Horry County, and South Carolina as a whole, for her belief that demand for movers will remain strong. Ms. Moran said the company will reach customers through direct mail, search engine marketing, and social media advertising. Positive Moves is financially viable, and there are no outstanding court orders or judgments against the company. Ms. Moran submitted at ten-year driving record, which

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shows one point on her record.

Mr. Stamos has worked in the moving industry since he was in high school. He worked as a mover in New York and California and has a Class A Commercial Driver's License. Mr. Stamos explained the company's tariff and demonstrated his understanding of weight and time-based pricing for moves. He will be in charge of training the company's employees, which he will do through hands-on demonstration and coaching. Mr. Stamos showed that he understands the Commission's regulations.

Mr. Stamos' ten-year driving record shows his license is in good standing with one point. While Mr. Stamos' history of violations is a source of concern to the Commission, the regulation specifying the requirements for household goods mover's Certificate of Public Convenience and Necessity ("CPC&N") does not require submission of a driving record. S.C. Code Reg. 103-133.1. In contrast, the Commission's requirements for a applicant for CPC&N to operate a taxi or a stretcher van explicitly require the certificate holders to keep a three year driving record, and a criminal background check, on hand and prohibit drivers on the state's sex-offender registry. Therefore, Mr. Stamos's driving record does not disqualify Positive Moves from obtaining a CPC&N.

On July 20, 2020, Applicant moved to present shipper witness testimony of John J. Barry by affidavit. The Hearing Officer granted this request by Order No. 2021-104-H. Mr. Barry has worked in the Myrtle Beach area since 2012. Mr. Barry testified South Carolina's housing market is strong. He is frequently asked to recommend movers of household goods, and it's difficult to find qualified movers who are dependable and experienced. Mr. Barry would like to add Positive Moves to the list of companies she recommends for moving services and believes the public interest would be served by granting Positive Moves' Application.

ORS did not prefile direct testimony. By letter dated September 27, 2021, ORS stated it is "of the opinion that the Applicant will meet the requirements of fit, willing, and able as required of a household goods mover under the provisions of S.C. Code Ann. Regs. 103-133 (2012)."

IV. LAW

The Commission is charged with promulgating regulations to govern the operations of carriers of household goods. S.C. Code Ann. § 58-23-590(A). The Commission is authorized to fix or approve just and reasonable rates, fares, and charges upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. S.C. Code Ann. § 58-23-1010 (2015); S.C. Code Ann. Regs. 103-133(1) (2012); S.C. Code Ann. Regs. 103-192 (2012). S.C. Code Ann. Regs. 103-133 (2012) is entitled "Proof Required to Justify Approving an Application" and for household goods applications, provides:

- a. **FIT.** The applicant must demonstrate or the commission determines that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.
- b. **ABLE.** The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the commission's insurance requirements and the costs associated therewith. Additionally,

the applicant can file a statement indicating the applicant's purpose for seeking a Class E Certificate, the applicant's 5-year plan if the commission grants the applicant a Class E Certificate, and such other information that may be contained in a business proposal.

- c. **WILLING.** Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

S.C. Code Ann. Regs. 103-133(1) (2012).

V. DISCUSSION

Based upon the evidence of record, Positive Moves has demonstrated it is fit, willing, and able to provide, and properly perform the proposed services. Ms. Moran testified there are no outstanding judgments pending against Applicant and certified Positive Moves is familiar with and will comply with all statutes and regulations governing for-hire motor carrier services. This satisfies the "fitness" requirement.

"Able" was demonstrated by Applicant's vehicle and trailer. Applicant has also provided insurance quotes, which indicates Applicant is aware of the Commission's insurance requirements and the costs associated therewith. Further, Applicant's Operations Manager has extensive experience as a household goods mover.

Having demonstrated Positive Moves is "fit" and "able" to provide the proposed service, filing the Application satisfies the "willing" requirement.

Applicant has also met the public convenience and necessity requirement. Mr. Barry, a real estate agent with nine years' experience, testified as to the difficulty he encounters when recommending movers who are dependable and experienced.

VI. FINDINGS OF FACT

The Commission finds there are no outstanding judgments pending against Positive Moves. Further, Applicant is familiar with, and agrees to comply with all statutes and regulations governing movers of household goods. Positive Moves is fit to appropriately perform the service described in its Application.

1. The Commission finds Positive Moves owns a vehicle and trailer to provide the service described in its Application. Further, Positive Moves supplemented its Application with an insurance quote. Positive Moves is able to appropriately perform the service described in its Application.

2. The Commission finds that by submitting its Application, Positive Moves has demonstrated it is willing to appropriately perform the proposed service.

3. The Commissions finds that public convenience and necessity are not already being served by existing authorized services.

VI. CONCLUSIONS OF LAW

1. The Commissions concludes that Positive Moves has demonstrated it is fit, willing, and able to appropriately perform the service described in its Application. S.C. Code Ann. Regs. 103-133(1) (2012).

2. The Commission concludes that the public convenience and necessity are not already being served by existing authorized service. S.C. Code Ann. Regs. 103-133(1) (2012).

3. The Commission concludes that a Class E (Household Goods) Certificate of Public Convenience and Necessity should be granted to Positive Moves.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

4. The Application of Positive Moves for a Class E (Household Goods) Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods to points and places throughout South Carolina.

1. Positive Moves' Tariff and Bill of Lading are approved and attached hereto as Order Exhibits 1 and 2, respectively.

2. Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. § 58-23-10 et seq., as amended, and by S.C. Regulations 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, and S.C. Regulations 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. § 58-23-10 et seq., and the applicable Regulations for Motor Carriers, a Certificate will be issued by ORS authorizing the motor carrier services granted herein.

4. The motor carrier's services authorized by this Order may not be provided prior to compliance with the above-referenced requirements and receipt of a Certificate.

5. Failure of Applicant to either (1) complete the certification process by complying with ORS requirements within ninety (90) days of this Order, or (2) to request and obtain from the Commission additional time to comply with the requirements stated

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above, will cause this Order granting the Application to be null and void, and the Application will be dismissed without prejudice. No further order of this Commission is necessary.

8. Should Applicant fail to meet the requirements of this Order, ORS is requested to furnish the name and docket number of Applicant to the Commission, pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014). If such notification is provided, the docket will be closed.

9. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION

Justin T. Williams, Chairman
Public Service Commission of
South Carolina